

1 to make. The reviewing court shall set aside any finding,
2 conclusion, determination, or order of the Board as to which
3 complaint is made which is unsupported by substantial evi-
4 dence on the record considered as a whole.

5 (n) The Board shall submit, not later than March 31
6 of each year, to the Senate and House of Representatives,
7 respectively, a report on its activities under this section dur-
8 ing the immediately preceding calendar year, including a
9 statement concerning the nature of all complaints filed with
10 it, its determinations and orders resulting from hearings
11 thereon, and the names of all officers or employees of the
12 United States with respect to whom any penalties have been
13 imposed under this section.

14 (o) There are authorized to be appropriated sums nec-
15 essary, not in excess of \$100,000, to carry out the provisions
16 of this section.

17 SEC. 6. Nothing contained in this Act shall be construed
18 to prohibit an officer of the Central Intelligence Agency or
19 of the National Security Agency or of the Federal
20 Bureau of Investigation from requesting ~~any~~ civilian em-
21 ployees or applicants ~~to submit to any interrogation or examination,~~ or
22 psychological test, designed to elicit from ~~him~~ ^{them} information
23 concerning ~~his~~ ^{their} personal relationship with any person con-
24 nected with ~~him~~ ^{them} by blood or marriage, or concerning ~~his~~ ^{their}
25 religious beliefs or practices, or concerning ~~his~~ ^{their} attitude or

1 conduct with respect to sexual matters, or to provide a per-
2 sonal financial statement, if the Director of ~~the~~ Central
3 Intelligence Agency or his designee or the Director of the
4 National Security Agency or his designee ~~or the Director~~
5 of the Federal Bureau of Investigation or his designee makes
6 a personal finding ~~with regard to each individual to be so~~
7 ~~tested or examined~~ that such test or information is required
8 to protect the national security.

9 SEC. 7. *No civilian employee of the United States serving*
10 *in the Central Intelligence Agency or the National Security*
11 *Agency, and no applicant for employment with those agencies, and*
12 *no individual or organization acting in behalf*
13 *of such employee shall be permitted to invoke the provisions*
14 *of sections 4 and 5 without first submitting a written com-*
15 *plaint to the agency concerned about the threatened or actual*
16 *violation of this Act and affording such agency one hundred*
17 *and twenty days from the date of such complaint to prevent*
18 *the threatened violation or to redress the actual violation.* *Provided, however, That*
19 *the above period of one hundred and twenty days may be extended if deemed*
20 *further necessary on*
21 *Provided, however, That nothing in this Act shall be con-* *a personal*
22 *strued to affect any existing authority of the Director of Cen-* *finding by the*
23 *tral Intelligence under section 403(c), of title 50, United* *director of the*
24 *States Code, and any authorities available to the National* *agency involved*
25 *Security Agency under section 833 of title 50, United States*
Code, to terminate the employment of any employee.

26 SEC. 8. *Nothing in this Act shall be construed to affect*
27 *in any way the authority of the Directors of ~~the~~ Central*

Director of the

1 *Intelligence Agency or the National Security Agency to pro-*
2 *tect or withhold information pursuant to statute or executive*
3 *order. The personal certification by the Director of the agency*
4 *that disclosure of any information is inconsistent with the*
5 *provision of any statute or executive order shall be conclusive*
6 *and no such information shall be admissable in evidence in*
7 *~~any interrogation under section 1(k)-or~~ in any civil action*
8 *under section 4 or in any proceeding or civil action under*
9 *section 5.*

10 *SEC. 9. This Act shall not be applicable to the Federal*
11 *Bureau of Investigation.*

12 *SEC. 7 10. Nothing contained in sections 4 and 5 shall*
13 *be construed to prevent establishment of department and*
14 *agency grievance procedures to enforce this Act, but the*
15 *existence of such procedures shall not preclude any applicant*
16 *or employee from pursuing the remedies established by this*
17 *Act or any other remedies provided by law: Provided,*
18 *however, That if under the procedures established, the em-*
19 *ployee or applicant has obtained complete protection against*
20 *threatened violations or complete redress for violations, such*
21 *action may be pleaded in bar in the United States district*
22 *court or in proceedings before the Board on Employee*
23 *Rights: And provided further, That if an employee or applicant elects*
24 *to seek a remedy under either section 4 or section 5, he*

Reported out Bill (15 May 1970) - proofed against
analysis and language suggested to Ervin (8 Sept.
1969) - underscored in red

Sent to: DD/S
OGC
[redacted] } 27 May 1970

OMS
OS } 28 May 1970

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